

REMARKS/ARGUMENTS

In the April 20, 2005, Non-Final Office Action, claims 587-612 were rejected. In the present response, claim 587 was amended to recite that the monomers are selected from "monomers consisting essentially of olefins and functional group containing olefins" (see page 1, in the first paragraph of the Field of Invention for support). Claim 600 was amended for clarity purposes only. Thus, claims 587-612 are pending. No new matter was added.

Claim 589 was objected to "because the claim language implies that the second monomer is an olefin, which it is not." Applicants believe that the amendment to claim 587 cures this objection.

Rejection Under 35 U.S.C. § 102(b)

Claims 587, 590-597, 600-605, 607-608, and 610-611 were rejected under 35 U.S.C. § 102(b) as being anticipated by van Asselt *et al.* (J. Am. Chem. Soc. 116:977-85 (1994)). Applicants respectfully traverse these rejections.

Van Asselt *et al.*, as the Examiner states, describe the copolymerization of norbornadiene and carbon monoxide. As the Examiner has indicated in the objection to claim 589, the present claims (as amended) include as monomers olefins and olefins containing a functional group. Because an olefin must contain a carbon-carbon double bond (not delocalized as in aromatic compounds), carbon monoxide is not an olefin or an olefin containing a functional group. Therefore, Applicants respectfully submit that claim 587 is not anticipated by van Asselt *et al.*

Because claims 590-597, 600-605, 607-608, and 610-611 are dependent claims, which recite even further limitations to the claim that has already been traversed, Applicants rely upon the arguments presented above in rebuttal to the Examiner's assertion that claims 590-597, 600-605, 607-608, and 610-611 are anticipated by van Asselt *et al.*

Double Patenting

Claims 587-612 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13, 19-131, and 178-309 of U.S. Patent No. 5,866,663. Applicants believe that the double

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patenting rejection will be overcome through the filing of a Terminal Disclaimer, enclosed herewith, to U.S. Patent No. 5,866,663.

Applicants note that the enclosed Terminal Disclaimer is unsigned. When the signed Terminal Disclaimer is available, Applicants will submit it forthwith, along with a fee transmittal.

Summary

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

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